

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM O'BRIEN	:	CIVIL ACTION
<i>Petitioner</i>	:	
	:	
v.	:	NO. 23-CV-4206
	:	
UNITED STATES	:	
<i>Respondent</i>	:	

ORDER

AND NOW this 6th day of November, 2023, upon consideration of Petitioner William O'Brien's Petition for Writ of *Audita Querela* pursuant to the All Writs Act, 28 U.S.C. § 1651 (ECF No. 1), filed by the Clerk of Court as a Petition for Writ of Mandamus, and it appearing that O'Brien has filed a prior petition pursuant to 28 U.S.C. § 2255 attacking his conviction in *United States v. O'Brien*, 15-CR-21 (E.D. Pa.) (ECF No. 866),¹ and it further appearing that O'Brien has not obtained prior approval from the United States Court of Appeals for the Third Circuit, as is required by statute (*see* 28 U.S.C. § 2244(a); § 2255(h)), it is hereby **ORDERED** that:

1. The Petition is **DISMISSED, without prejudice**, for lack of subject matter jurisdiction.
2. There is no cause for a certificate of appealability.
3. The Clerk of Court is **DIRECTED** to close this case.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro
NITZA I. QUIÑONES ALEJANDRO
Judge, United States District Court

¹ O'Brien's his first petition was dismissed with prejudice on January 28, 2020. (*See* ECF No. 882).